

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

BOBBY E. ROSS,

Plaintiff,

v.

Civil Action No. 3:10CV444

DEPUTY SHEPHARD, *et al.*,

Defendants.

MEMORANDUM OPINION

By Memorandum Order entered on July 6, 2010, the Court conditionally docketed Plaintiff's action. In that Memorandum Order, the Court directed Plaintiff, *inter alia*, to "immediately advise the Court of his new address in the event that he is transferred, released, or otherwise relocated while the action is pending." The Court warned Plaintiff that "**FAILURE TO DO SO MAY RESULT IN DISMISSAL OF THE ACTION.**"

By Memorandum Order entered on February 16, 2011, the Court instructed Plaintiff that he had one hundred and twenty (120) days from the date of entry thereof to serve Defendants. On February 28, 2011, the February 16, 2011 Memorandum Order was returned to the Court by the United States Postal Service marked, "RETURN TO SENDER," "NOT DELIVERABLE AS ADDRESSED," and "UNABLE TO FORWARD."

Plaintiff's failure to keep the Court informed of his current address indicates a lack of interest in prosecuting the present action. *See* Fed. R. Civ. P. 41(b). Accordingly, the action will be DISMISSED WITHOUT PREJUDICE.

An appropriate Order shall issue.

/s/
Robert F. Payne

REVD

Date: March 7, 2011
Richmond, Virginia